

## REMARKS

Upon entry of the amendments, claims 1-21 will be pending in the application. Applicants note that the Examiner has indicated that claims 3, 4, 6, 7 and 9-11 contain allowable subject matter.

Applicants have added new claims 12-21 to the application and forwarded the requisite fees for these new claims.

### *Claim Objections*

Applicants have amended the claims to address the informalities.

### *Claim Rejections – 35 U.S.C. § 112*

Claims 3, 4, 6, 7, and 9-11 are rejected under the second paragraph of 35 U.S.C. § 112 as indefinite due to a lack of antecedent basis for some of the features recited in the claims. The claims have been amended to provide sufficient antecedent basis for the relevant features. Hence, Applicants respectfully submit that this rejection should be withdrawn.

### *Claim Rejections – 35 U.S.C. § 102*

The following anticipation rejections were issued in the Office Action:

1. Claims 1, 2, 5, and 8 are rejected as being anticipated by Rapely (US '850), and
2. Claims 1, 2, 4, and 8 are rejected as being anticipated by Fowler (US '764).

Applicants respectfully request that these rejections be withdrawn.

Regarding the first rejection based on Rapely, Applicants respectfully request that the rejection be withdrawn. Rapely fails to inherently or explicitly disclose the following feature of independent claim 1:

“wherein the carriers incline obliquely downwards in a direction out from the downwardly moving conveyor”.

Applicants dispute the statements in the Office Action that the teeth 4 of the chain 5 are equivalent to the carriers set forth in claim one. Rapely explains in column 2, lines 35-36 and 39-40 that the teeth are provided by suitably shaping the side plates of every link so as to have upstanding edges to abut the papers. Hence, the teeth 4 of Rapely would not be inclined obliquely downwards in a direction out from the downwardly moving conveyor.

Further, Rapely does not disclose all the features of dependant claim 5, which sets forth that:

“the carriers have a longitudinal direction which approximately forms a tangent with the curving path of the guide space when the carrier departs from the guide space”.

In Rapely, the teeth 4 do not form a tangent with the curving path of the guide space when the carrier departs from the guide space. If the space between the chain 5 and the two beltings 8 and 9 are considered the guide space, it is clear from Figure 1 of Rapely that the edges of the teeth 4 are generally perpendicular to the longitudinal direction of the curving path.

Regarding the first rejection based on Fowler, Applicants respectfully request that the rejection be withdrawn. Fowler fails to inherently or explicitly disclose the following feature of independent claim 1:

“a downwardly moving conveyor”.

The Office Action sets forth that reference number 16 of Fowler is equivalent to the downwardly moving conveyor of the present invention. However, it appears from Fowler that reference number 16 actually depicts an upwardly moving conveyor. In column 3, lines 34-36, Fowler explains that 16a is the inlet end. It is also evident that 16a is the lowermost point of the conveyor. As such, one skilled in the art would recognize that the conveyor would be moving the potato in an upward direction. Otherwise, there would be no need for a conveyor.

Further, Fowler fails to inherently or explicitly disclose:

“the carriers incline obliquely downwards in a direction out from  
the downwardly moving conveyor”.

Fowler is silent in regards of the orientation of the carriers on the downwardly moving conveyor. The figures of Fowler, however, depict carriers that are perpendicular to the conveyor.

Fowler also fails to depict:

“a curved guide space defined by guide rails is disposed to overlap  
an upper region of the downwardly moving conveyor with a lower  
end portion”.

The aforementioned features are not inherently or explicitly disclosed by the prior art. Hence, the anticipation rejections should be withdrawn.

### ***New Claims***

Applicants have added new claims, which further define the invention. It is respectfully submitted that these claims are not anticipated or obvious in view of the cited prior art.

Claim 12 provides that the guide rails are stationary. As such, claims 12-17 are not anticipated or obvious in view of the cited prior art.

Claim 18 details that inner guide rail has a curvature exceeding 90°, which is not shown in the cited prior art.

Claim 19 depicts a synchronisation conveyor having arrest means, which is not disclosed in the cited prior art. Hence, Applicants submit that claims 19-21 are allowable.

### CONCLUSION

Applicants respectfully request allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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Signature:



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